

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DANA RICKETTS,

Plaintiff,

-against-

ORDER  
20-CV-2631 (JS) (ARL)

SUFFOLK COUNTY CORRECTIONAL FACILITY,  
SUFFOLK COUNTY CORRECTIONAL OFFICERS,

Defendants.

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APPEARANCES

For Plaintiff: Dana Ricketts, pro se  
354 Ogden Street  
Orange, New Jersey 07050

For Defendants: No appearance

SEYBERT, District Judge:

On June 5, 2020, pro se plaintiff Dana Ricketts ("Plaintiff") filed a Complaint against the Suffolk County Correctional Facility and Suffolk County Correctional Officers ("Defendants") together with an application to proceed in forma pauperis. (Compl., D.E. 1; I.F.P. Mot., D.E. 2.) On July 23, 2020, Plaintiff filed a second application. (2d I.F.P. Mot., D.E. 6.) For the following reasons, the applications to proceed in forma pauperis are DENIED WITHOUT PREJUDICE and with leave to renew upon completion of the AO 239 in forma pauperis application form. (I.F.P. Mot., 6.) Alternatively, Plaintiff may remit the \$400.00 filing fee.

Plaintiff's initial in forma pauperis application was

not submitted on the Court's form, nor did it provide the information required by the Court as discussed below. The second application was on the AO 240 form (Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)). Plaintiff's initial submission indicates that Plaintiff is presently not employed and the last date of employment was September 1, 2018. (I.F.P. Mot., ¶¶ 1-2.) Plaintiff did not provide the "amount of salary per month which was received and how long the employment lasted" as question 2 asks. (I.F.P. Mot., ¶ 2.) However, Plaintiff also reports having received money within the last twelve (12) months from "business, profession, or form of self-employment" but has not provided the amount received during the last twelve months. (I.F.P. Mot., ¶ 3(a).) Although Plaintiff has received "money from my family", the amount received has not been provided. (I.F.P. Mot., ¶ 3.) Plaintiff avers that he does not have any cash or money in a checking or savings account and he reports no regular monthly expenses, including housing, transportation, utilities, or otherwise. (I.F.P. Mot., ¶¶ 4-5.) In response to the question on the application that calls for the description of "[a]ny debts or financial obligations (describe the amounts owed and to whom they are payable)", Plaintiff wrote only "I owe sur charges and court fees" and does not provide the sum owed. (I.F.P. Mot., ¶ 7.)

On Plaintiff's second application, Plaintiff answered the first question that asks: "If incarcerated, I am being held at:" by including a residential address. (See 2d I.F.P. Mot., ¶ 1.) Additionally, like his first application, Plaintiff does not include any monthly expenses for housing, utilities or transportation on the second application. (See I.F.P. Mot., ¶ 6.) Thus, it is unclear whether Plaintiff is presently incarcerated yet chooses to have his correspondence from the Court mailed to a residential address. Whether Plaintiff is incarcerated bears on whether his financial position qualifies him to proceed without the prepayment of the Court's filing fee.

Thus, because the responses provided by Plaintiff on the in forma pauperis applications do not permit the Court to conclude that Plaintiff is qualified to proceed in forma pauperis, Plaintiff's applications are DENIED WITHOUT PREJUDICE to a renewal thereof upon completion of the AO 239 in forma pauperis application form annexed to this Order. Under the circumstances, Plaintiff's current financial position can best be provided to the Court on the long form in forma pauperis application (AO 239). Plaintiff is directed to either remit the \$400.00 filing fee or complete and return the enclosed in forma pauperis application within fourteen (14) days from the date of this Order. Plaintiff is cautioned that a failure to timely comply with this Order will lead to the

dismissal of the Complaint without prejudice and judgment will enter.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore in forma pauperis status is denied for the purpose of any appeal. See Coppedge v. United States, 369 U.S. 438, 444-45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

The Clerk of Court is directed to mail a copy of this Order and the AO 239 in forma pauperis application form to Plaintiff at the address of record.

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: August 12, 2020  
Central Islip, New York